

## 2009 DRAFTING REQUEST

### Bill

Received: **08/05/2009**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Pat Kreitlow (608) 266-7511**

By/Representing: **Matt Pagel**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - food safety**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kreitlow@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

#### Pre Topic:

No specific pre topic given

---

#### Topic:

Allow sale of raw milk to consumers

---

#### Instructions:

See attached

---

#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	btradewe 09/14/2009	bkraft 09/14/2009	mduchek 09/15/2009	_____	cduerst 09/15/2009		State
/2	btradewe 10/06/2009	bkraft 10/06/2009	phenry 10/07/2009	_____	lparisi 10/07/2009		State
/3	btradewe 10/30/2009	jdye 10/30/2009	mduchek 10/30/2009	_____	sbasford 10/30/2009	sbasford 12/08/2009	

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For: *at intro*  
*12/21/09*      <END>

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/2	btradewe 10/06/2009	bkraft 10/06/2009	phenry 10/07/2009		lparisi 10/07/2009		State
/3	btradewe 10/30/2009	lrb_editor		Km JA 10/30			

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

**<END>**

## 2009 DRAFTING REQUEST

### Bill

Received: **08/05/2009**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **Tim Fiocchi**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - food safety**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Grothman@legis.wisconsin.gov**

Carbon copy (CC:) to:

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FE Sent For:

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Wanted: As time permits

Identical to LRB:

For: Glenn Grothman (608) 266-7513

By/Representing: Tim Fiocchi

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Agriculture - food safety

Extra Copies:

Submit via email: YES

Requester's email: Sen.Grothman@legis.wisconsin.gov

Carbon copy (CC:) to:

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/1	btradewe 09/14/2009 btradewe	bkraft 09/14/2009	mduchek 09/15/2009	<u>1/6</u> <u>1/6</u> <u>PH</u>	cdurst 09/15/2009		State

1/2 bjk 10/6

10/6  
PH

<END>

FE Sent For:



## 2009 DRAFTING REQUEST

### Bill

Received: **08/05/2009**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Wood (608) 266-1194**

By/Representing: **Tim Fiocchi**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - food safety**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.WoodJ@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

#### Pre Topic:

No specific pre topic given

---

#### Topic:

Allow sale of raw milk to consumers

---

#### Instructions:

See attached

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#### Drafting History:

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Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Wood (608) 266-1194**

By/Representing: **Tim Fiocchi**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - food safety**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.WoodJ@legis.wisconsin.gov**

Carbon copy (CC:) to:

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No specific pre topic given

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**Topic:**

Allow sale of raw milk to consumers

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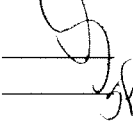
**Instructions:**

See attached

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/?	btradewe	11 bjk 9/14	 9/14				
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FE Sent For:

<END>

**Tradewell, Becky**

---

**From:** Fiocchi, Tim  
**Sent:** Wednesday, August 05, 2009 9:56 AM  
**To:** Tradewell, Becky  
**Subject:** Raw Milk

**NEW YORK****Summary:**

Raw milk sales are legal on the farm. The farmer must have a license from the state Department of Agriculture and Markets. The farmer must post a sign at the point of sale that states, "Notice:Raw milk sold here. Raw milk does not provide the protection of pasteurization." Raw milk vendors can only sell to consumers.

The state routinely inspects retail raw milk for pathogens which is not a requirement for raw milk for pasteurization.

Even though the seller's permit is currently for only the sale of raw milk, the state is considering expanding the license to include the sale of other raw dairy products.

**New York Codes, Rules and Regulations**

TITLE 1 DEPARTMENT OF AGRICULTURE AND MARKETS

CHAPTER I MILK CONTROL\*

SUBCHAPTER A DAIRY PRODUCTS

PART 2 REQUIREMENTS FOR THE PRODUCTION, PROCESSING, MANUFACTURING AND DISTRIBUTION OF MILK AND MILK PRODUCTS

*1 NYCRR 2.3.* General permits; permit to sell raw milk; permit to ship into the State; permit to produce milk.

(b) Permit to sell raw milk.

(1) Every person who sells, offers for sale or otherwise makes available raw milk for consumption by consumers shall hold a permit to sell raw milk issued by the commissioner. A person who holds a permit to sell raw milk may sell, offer for sale or otherwise make available raw milk only:

(i) directly to a consumer;

(ii) on the dairy farm where such raw milk is produced;

(iii) in a bottle or in a single service container mechanically filled and capped as set forth in this Part or in a container provided by the consumer filled in his presence; and

(iv) if at the point of sale a sign is conspicuously posted, easily capable of being read, from such point, stating: "NOTICE: Raw milk sold here. Raw milk does not provide the protection of pasteurization."

**Tim Fiocchi**  
**Representative Jeff Wood's Office**  
**Phone: (608) 266-1194**  
**Fax: (608) 282-3667**

STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU

LRB

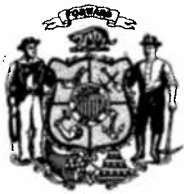
Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

8/10 Add products made from raw milk.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3242/1

RCT:.....

Lbjk

SOON (in 9/14)

2009 BILL

SA  
X-ref

Note

raw

gen.

1 AN ACT ...; relating to: the sale of unpasteurized milk and fluid milk products.

*Analysis by the Legislative Reference Bureau*

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products.

This bill authorizes a dairy farmer with a ~~C~~ Grade A dairy farm permit to sell unpasteurized milk and fluid milk products (such as cream, flavored milk, and buttermilk) directly to consumers on the farm if the dairy farmer obtains a milk permit from the Department of Agriculture, Trade and Consumer Protection, the container is prepared and filled in a sanitary manner, and the dairy farmer displays a sign indicating that raw milk does not provide the protection of pasteurization.

FES

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 97.24 (2m) of the statutes is created to read:  
3 97.24 (2m) SALE OF UNPASTEURIZED MILK AND FLUID MILK PRODUCTS. (a) The  
4 department shall issue permits to sell unpasteurized milk and unpasteurized fluid  
5 milk products for the purposes of par. (b).

**BILL**

1 (b) Notwithstanding subs. (2) (b) and (3), a milk producer may sell  
2 unpasteurized milk and unpasteurized fluid milk products directly to a consumer on  
3 the milk producer's dairy farm if all of the following apply:

4 1. The milk producer has a permit to sell unpasteurized milk and  
5 unpasteurized fluid milk products ~~issued~~ under par. (a).

6 2. The milk producer has a grade A dairy farm permit under s. 97.22 (3).

7 3. Either the milk producer or the consumer provides a container for the milk  
8 that has been prepared in a sanitary manner and the producer fills the container in  
9 a sanitary manner.

10 4. At the place where the milk is sold, the milk producer displays a sign that  
11 is easy for a consumer to read and that states: <sup>(1)</sup>Raw milk sold here. Raw milk does  
12 not provide the protection of pasteurization. <sup>(2)</sup>

13 (END)

Mike

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Note

Date

-3242/dn  
RET: bjkFiocchi  
Tim Fiocchi (C)

This is a draft of the <sup>proposal</sup> to allow the on-farm  
sale of raw milk. Please let me know if you  
have <sup>questions</sup> or want any <sup>changes</sup> (C)

RET

You may want to ask someone at DATEP to review the  
draft in case <sup>there</sup> ~~there~~ are issues of which I am  
unaware. (C)



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3242/1dn  
RCT:bjk:md

September 14, 2009

Tim Fiocchi:

This is a draft of the proposal to allow the on-farm sale of raw milk. You may want to ask someone at DATCP to review the draft in case there are issues of which I am unaware. Please let me know if you have any questions or want any changes.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)

**Tradewell, Becky**

---

**From:** Sen.Grothman  
**Sent:** Thursday, October 01, 2009 1:35 PM  
**To:** Tradewell, Becky  
**Cc:** Rep.Wood  
**Subject:** Raw Milk Legislation

Becky,

Senator Grothman is taking over Rep. Wood's Raw Milk Bill. He has given us permission to proceed from here. Please contact their office if you need confirmation.

Sincerely,

*Regina Kolbow*

Legislative Assistant  
Office of Senator Glenn Grothman  
Office: 608-266-7513  
Fax: 608-282-3560  
[regina.kolbow@legis.wisconsin.gov](mailto:regina.kolbow@legis.wisconsin.gov)

10/01/2009

**Tradewell, Becky**

---

**From:** Sen.Grothman  
**Sent:** Thursday, October 01, 2009 1:36 PM  
**To:** Tradewell, Becky  
**Subject:** Changes to the Raw Milk Legislation

Becky,

Please make the attached changes to the Raw Milk Legislation. Thank you.

Sincerely,

*Regina Kolbow*

Legislative Assistant  
Office of Senator Glenn Grothman  
Office: 608-266-7513  
Fax: 608-282-3560  
[regina.kolbow@legis.wisconsin.gov](mailto:regina.kolbow@legis.wisconsin.gov)

10/01/2009

Page 1

- Line 2: Eliminate “fluid” and change “flavored milk” to “butter.
- Line 4: Eliminate “fluid”
- Line 5: Eliminate “fluid”
- Lines 6-9: (some lines added: to read:  
Milk products to producers that hold a Grade A dairy permit under S.97.22(3), for the purposes of par. (b). The Grade A dairy permit, by itself, qualifies said producer for the additional permit needed for on-farm sales of unpasteurized milk and milk products.

Page 2

- Line 2: Eliminate “fluid”
- Line 5: Eliminate “fluid”
- Line 6: Eliminate entirely. This is already established on preceding page changes.
- Line 7: Change to read:  
“2. Either the milk producer or the consumer provide a sanitary container for the milk or milk product, which must be filled in a sanitary manner.”
- Line 10: Change “4” to “3.”
- Lines 13-15 (some lines added) to read:  
“(b) the milk producer is immune from civil liability related to the sale of the unpasteurized milk or milk products made to consumer, unless there is evidence of pre-meditated and intentional harmful action.”

**Tradewell, Becky**

---

**From:** Kolbow, Regina  
**Sent:** Tuesday, October 06, 2009 9:31 AM  
**To:** Tradewell, Becky  
**Subject:** RE: Changes to the Raw Milk Legislation

The products they are trying to cover are milk, buttermilk, butter and cream.

---

**From:** Tradewell, Becky  
**Sent:** Saturday, October 03, 2009 4:39 PM  
**To:** Sen.Grothman  
**Subject:** RE: Changes to the Raw Milk Legislation

Regina,

Current law permits the sale of some dairy products (some cheeses, that I know of) that are made with milk that has not been pasteurized. I referred to "fluid milk products" in the draft in order to avoid the implication that the special requirement for selling products made with raw milk applied to the sale of unpasteurized dairy products that may already be sold legally. Instead of referring to "milk products" would it be possible to list the kinds of products that Sen. Grothman wants the draft to cover?

Thank you,  
Becky Tradewell

---

**From:** Sen.Grothman  
**Sent:** Thursday, October 01, 2009 1:36 PM  
**To:** Tradewell, Becky  
**Subject:** Changes to the Raw Milk Legislation

Becky,

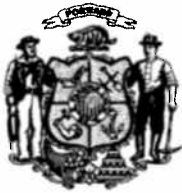
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Sincerely,

*Regina Kolbow*

Legislative Assistant  
Office of Senator Glenn Grothman  
Office: 608-266-7513  
Fax: 608-282-3560  
[regina.kolbow@legis.wisconsin.gov](mailto:regina.kolbow@legis.wisconsin.gov)

10/06/2009



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3242/11

RCT:bjk:md

SOON (in 10/6)

stays

YMY

2009 BILL

SA

Inserts

Note

5 buttermilk/butter

5 buttermilk/butter

regen.

- 1 AN ACT to create 97.24 (2m) of the statutes; relating to: the sale of  
2 unpasteurized milk and fluid milk products cream

*Analysis by the Legislative Reference Bureau*

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products.

This bill authorizes a dairy farmer with a grade A dairy farm permit to sell unpasteurized milk and fluid milk products (such as cream, flavored milk, and buttermilk) directly to consumers on the farm if the dairy farmer obtains a raw milk permit from the Department of Agriculture, Trade and Consumer Protection, the container is prepared and filled in a sanitary manner, and the dairy farmer displays a sign indicating that raw milk does not provide the protection of pasteurization.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

Analysis insert

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 3 SECTION 1. 97.24 (2m) of the statutes is created to read:

- 4 97.24 (2m) SALE OF UNPASTEURIZED MILK AND FLUID MILK PRODUCTS. (a) The  
5 department shall issue permits to sell unpasteurized milk and unpasteurized fluid  
6 milk products for the purposes of par. (b). Insert 1-6

## BILL

*Butter milk products*

(b) Notwithstanding subs. (2) (b) and (3), a milk producer may sell unpasteurized milk and unpasteurized fluid milk products *cream* directly to a consumer on the milk producer's dairy farm if all of the following apply:

1. The milk producer has a permit to sell unpasteurized milk and unpasteurized fluid milk products under par. (a).

2. The milk producer has a grade A dairy farm permit under s. 97.22 (3).

3. Either the milk producer or the consumer provides a *sanitary* container for the milk *product* that has been prepared in a sanitary manner and the producer fills the container in *is filled* a sanitary manner.

4. At the place where the *products are* milk is sold, the milk producer displays a sign that is easy for a consumer to read and that states: "Raw milk *products* sold here. Raw milk *products* does not provide the protection of pasteurization."

(END)

Insert 2-12

Note

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3242/2ins  
RCT:.....

1           **Analysis Insert**

<sup>NO</sup>~~QA~~ The bill also provides that a dairy farmer is not liable for selling a product as authorized by the bill unless the farmer intentionally took a harmful action related to the sale.

2           **Insert 1-6**

3       <sup>NO</sup>~~QA~~ The department shall issue a permit under this paragraph, upon request, to  
4       any milk producer who has a grade A dairy <sup>farm</sup> permit under s. 97.22 (3). The  
5       department may not specify additional requirements for a permit under this  
6       paragraph.

7           **Insert 2-12**

8           (c) A milk producer is immune from civil liability related to the sale of a product  
9       under par. (b), unless the milk producer took an action related to the sale knowing  
10       the action to be harmful.



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3242/2dn

RCT:.....

Lbjk

Date

I am not certain what was intended by the proposed language relating to immunity from civil liability, in particular whether it was intended that the immunity not apply if the person intentionally took an action that was a harmful action or whether the person had to intend to cause harm when the person took the action.

> I do not see any similar immunity provisions in the Wisconsin statutes. You may wish to review other civil immunity provisions in the statutes, many of which are in subchapter II of chapter 895. 2005 assembly bill 453, which also dealt with the sale of raw milk, provided: "A farmer who sells unpasteurized milk under par. (a) is immune from civil liability for the death of or injury to an individual caused by the unpasteurized milk sold by the farmer, unless the death or injury was caused by willful or wanton acts or omissions."

Please let me know if you have any questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3242/2dn  
RCT:hjk:ph

October 6, 2009

I am not certain what was intended by the proposed language relating to immunity from civil liability, in particular whether it was intended that the immunity not apply if the person intentionally took an action that was a harmful action or whether the person had to intend to cause harm when the person took the action.

I do not see any similar immunity provisions in the Wisconsin statutes. You may wish to review other civil immunity provisions in the statutes, many of which are in subchapter II of chapter 895. 2005 Assembly Bill 453, which also dealt with the sale of raw milk, provided: "A farmer who sells unpasteurized milk under par. (a) is immune from civil liability for the death of or injury to an individual caused by the unpasteurized milk sold by the farmer, unless the death or injury was caused by willful or wanton acts or omissions."

Please let me know if you have any questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)

## Tradewell, Becky

---

**From:** Pagel, Matt  
**Sent:** Friday, October 30, 2009 9:05 AM  
**To:** Tradewell, Becky  
**Subject:** FW: LRB 3242/2 - Raw Milk

Becky, can you make the one change to liability that you mention for previous year, thanks.

**Matthew Pagel**  
**Office of Senator Pat Kreitlow**  
**Wisconsin State Senate - 23rd District**

*Room 10 South - State Capitol*

*PO Box 7882*

*Madison, WI 53703-7882*

*Phone: 608-266-7511 or 888-437-9436*

*Matt.Pagel@legis.wisconsin.gov*

---

**From:** Sen.Grothman  
**Sent:** Friday, October 30, 2009 6:43 AM  
**To:** Tradewell, Becky  
**Cc:** Sen.Kreitlow; Rep.Danou; Pagel, Matt  
**Subject:** LRB 3242/2 - Raw Milk

Becky,

Sen. Kreitlow and Rep. Danou will be introducing LRB 3242/2. Please release the bill to them.

Sincerely,



State Senator  
20th Senate District  
Office: 608-266-7513  
Fax: 608-282-3560

10/30/2009

## 2005 ASSEMBLY BILL 453

June 1, 2005 – Introduced by Representatives GRONEMUS, SHERMAN, M. WILLIAMS, KERKMAN, MUSSER, HAHN and F. LASEE, cosponsored by Senators BROWN and KANAVAS. Referred to Committee on Public Health.

1     **AN ACT** *to amend* 95.25 (1) and 95.26 (2); and *to create* 97.24 (2m) of the  
2     statutes; **relating to:** the sale of unpasteurized milk.

---

### ***Analysis by the Legislative Reference Bureau***

Current law generally prohibits the sale to consumers of milk that has not been pasteurized (raw milk).

This bill authorizes a farmer with a grade A dairy farm permit to sell raw milk if the farmer satisfies requirements specified in the bill, including monthly testing of the milk and yearly testing of the farmer's herd for tuberculosis and brucellosis. The bill requires the farmer to place a warning statement on each container of raw milk. The bill also provides that a farmer is not liable for death or injury caused by raw milk that the farmer is authorized to sell, except in cases of willful or wanton acts or omissions.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3     **SECTION 1.** 95.25 (1) of the statutes is amended to read:  
4     95.25 (1) In order to detect and control bovine tuberculosis the department may  
5     test for tuberculosis those cattle where indication of possible infection is disclosed by

**ASSEMBLY BILL 453****SECTION 1**

1 means of the slaughter cattle identification program and any other cattle,  
2 farm-raised deer or other species the department has reason to believe may be  
3 infected or exposed or considers necessary to test for any other reason. In addition,  
4 a milk producer engaging in the sale of unpasteurized milk under s. 97.24 (2m) (a)  
5 shall have each animal in the milk producer's herd tested for bovine tuberculosis  
6 annually. Tuberculosis tests authorized by the department shall be made at such  
7 times and in such manner as the department determines, in the light of the latest  
8 and best scientific and practical knowledge and experience.

9 **SECTION 2.** 95.26 (2) of the statutes is amended to read:

10 95.26 (2) All milk and cream received at every dairy plant shall be tested at not  
11 more than 6-month intervals by the B.R.T. test, and brucellosis tests shall be applied  
12 promptly to cattle when the milk or cream therefrom discloses a positive reaction to  
13 the B.R.T. test or to cattle and American bison when other indications of possible  
14 infection are disclosed. In addition, a milk producer engaging in the sale of  
15 unpasteurized milk under s. 97.24 (2m) (a) shall have each animal in the milk  
16 producer's herd tested for brucellosis annually. All cattle and American bison, except  
17 steers and spayed heifers, shall be subject to the brucellosis test, but official  
18 vaccinates not older than the maximum age prescribed by rules of the department  
19 need not be tested except when deemed necessary by the department or the  
20 attending veterinarian. Brucellosis tests and official vaccination provided for in this  
21 section shall be performed by a veterinarian approved by the department. When  
22 brucellosis tests are not conducted by any such veterinarian within 15 days of the  
23 date notice to test is mailed to the cattle or American bison owner, the department  
24 shall conduct such tests. Except where compensated by the federal government,  
25 approved veterinarians performing testing and vaccination under this section shall

**ASSEMBLY BILL 453**

1 be paid by the state at uniform rates established by the department. Blood samples  
2 drawn for the brucellosis test shall be submitted to the department promptly for  
3 laboratory examination.

4 **SECTION 3.** 97.24 (2m) of the statutes is created to read:

5 **97.24 (2m) SALE OF UNPASTEURIZED MILK.** (a) Notwithstanding subs. (2) (b) and  
6 (3), a milk producer may sell unpasteurized milk directly to a consumer if all of the  
7 following conditions are satisfied:

- 8 1. The milk producer has a grade A dairy farm permit under s. 97.22 (3).
- 9 2. The milk producer's animals are tested as required by ss. 95.25 (1) and 95.26  
10 (2).
- 11 3. At least once each month, the milk producer submits a representative sample  
12 of milk to a laboratory approved by the department and testing of that sample shows  
13 that the milk meets the standards in rules promulgated by the department for  
14 pasteurized grade A milk.
- 15 4. Either the milk producer or the customer provides a container for the milk  
16 that has been prepared in a sanitary manner and the producer fills the container in  
17 a sanitary manner.
- 18 5. The milk producer does not fill the container by dipping it or any utensil into  
19 a bulk tank.
- 20 6. The milk producer places on the container the following statement:  
21 "Warning: This product has not been pasteurized and, therefore, may contain  
22 harmful bacteria that can cause serious illness in children, the elderly, and persons  
23 with weakened immune systems."

24 (b) A farmer who sells unpasteurized milk under par. (a) is immune from civil  
25 liability for the death of or injury to an individual caused by the unpasteurized milk

# ASSEMBLY BILL 453

### SECTION 3

1        sold by the farmer, unless the death or injury was caused by willful or wanton acts  
2        or omissions.

3 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3242/3

RCT:bjk:ph

Today, if possible

2009 BILL

YMR  
+jld

✓ except in cases of  
willful or wanton acts  
or omissions

Regen

AN ACT *to create* 97.24 (2m) of the statutes; relating to: the sale of unpasteurized milk, buttermilk, butter, and cream.

*Analysis by the Legislative Reference Bureau*

Current law generally prohibits the sale of unpasteurized (commonly called raw) milk and other milk products.

This bill authorizes a dairy farmer with a grade A dairy farm permit to sell unpasteurized milk, buttermilk, butter, and cream directly to consumers on the farm if the dairy farmer obtains a raw milk permit from the Department of Agriculture, Trade and Consumer Protection, the container is prepared and filled in a sanitary manner, and the dairy farmer displays a sign indicating that raw milk does not provide the protection of pasteurization. The bill also provides that a dairy farmer is not liable for selling a product as authorized by the bill unless the farmer intentionally took a harmful action related to the sale.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 97.24 (2m) of the statutes is created to read:

97.24 (2m) SALE OF UNPASTEURIZED MILK AND MILK PRODUCTS. (a) The department shall issue permits to sell unpasteurized milk and milk products for the



**BILL**

1 purposes of par. (b). The department shall issue a permit under this paragraph, upon  
2 request, to any milk producer who has a grade A dairy farm permit under s. 97.22  
3 (3). The department may not specify additional requirements for a permit under this  
4 paragraph.

5 (b) Notwithstanding subs. (2) (b) and (3), a milk producer may sell  
6 unpasteurized milk, buttermilk, butter, and cream directly to a consumer on the milk  
7 producer's dairy farm if all of the following apply:

8 1. The milk producer has a permit to sell unpasteurized milk and milk products  
9 under par. (a).

10 2. Either the milk producer or the consumer provides a sanitary container for  
11 the product that has been prepared in a sanitary manner and the container is filled  
12 in a sanitary manner.

13 3. At the place where the products are sold, the milk producer displays a sign  
14 that is easy for a consumer to read and that states: "Raw milk products sold here.  
15 Raw milk products do not provide the protection of pasteurization."

16 (c) A milk producer is immune from civil liability related to the sale of a product  
17 under par. (b), unless the milk producer took an action related to the sale knowing  
18 the action to be harmful.

19 (END)

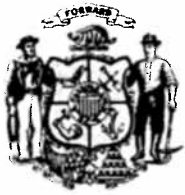
who sells a product in accordance with par. (b) is immune  
from civil liability for the death of or injury to an individual  
caused by the product, unless the death or injury was caused  
by willful or wanton acts or omissions

**Duerst, Christina**

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**From:** Saxler, Charles  
**Sent:** Tuesday, December 08, 2009 10:56 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-3242/3 Topic: Allow sale of raw milk to consumers

Please Jacket LRB 09-3242/3 for the SENATE.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3242/3  
RCT:bjk&jld:md

12-21-2009  
Before changes

2009 SENATE BILL 434

December 21, 2009 - Introduced by Senators KREITLOW, TAYLOR, HOLPERIN, DARLING, KAPANKE, LEIBHAM and SCHULTZ, cosponsored by Representatives DANOU, HILGENBERG, MILROY, GUNDERSON, BALLWEG, RICHARDS, POPE-ROBERTS, BERCEAU, VOS, KERKMAN, LEMAHIEU, ROYS, SOLETSKI, SHERMAN and PRIDEMORE. Referred to Committee on Agriculture and Higher Education.

1 AN ACT *to create* 97.24 (2m) of the statutes; **relating to:** the sale of  
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## SENATE

### INTRODUCTION AND REFERRAL OF PROPOSALS

December 21, 2009

#### SENATE BILL 434 (LRB -3242)

Relating to: the sale of unpasteurized milk, buttermilk, butter, and cream.

Introduced by Senators Kreitlow, Grothman, Taylor, Holperin, Darling, Kapanke, Leibham and Schultz; cosponsored by Representatives Danou, Hilgenberg, Milroy, Gunderson, Ballweg, Richards, Pope-Roberts, Berceau, Vos, Kerkman, LeMahieu, Roys, Soletski, Sherman, Pridemore and Newcomer.

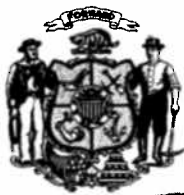
Referred to Agriculture and Higher Education.

02-18-2010

Corrected copy

Requested by Jeff  
in the SCC office

Senator  
Grothman  
added



**2009 SENATE BILL 434**

After changes  
02-18-2010

December 21, 2009 - Introduced by Senators KREITLOW, GROTHMAN, TAYLOR, HOLPERIN, DARLING, KAPANKE, LEIBHAM and SCHULTZ, cosponsored by Representatives DANOU, HILGENBERG, MILROY, GUNDERSON, BALLWEG, RICHARDS, POPE-ROBERTS, BERCEAU, VOS, KERKMAN, LEMAHIEU, ROYS, SOLETSKI, SHERMAN, PRIDEMORE and NEWCOMER. Referred to Committee on Agriculture and Higher Education.

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